

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles M. Link II, et al.

Serial No.: 10/031,126

Attention: Box PCT  
Vonda M. Wallace

Filed: December 14, 2001  
(National Phase of PCT/US99/13459  
filed June 15, 1999)

For: **Methods and Apparatus for Over-the-Air Programming of a Wireless Unit**

Commissioner for Patents  
Washington, D.C. 20231

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**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

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Dear Madam:

The undersigned hereby responds to the Notification of Defective Response mailed July 15, 2002, in the referenced application. The notice stated that the Oath or Declaration for the inventor, Megan Koch Klenzak, was not signed and therefore needed to be submitted.

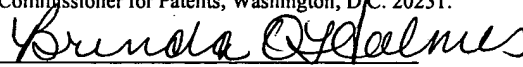
On December 14, 2001, the applicant submitted signed Declarations for inventors Charles M. Link II, Stephen Thomas Hardin and Megan Koch Klenzak. Copies of the three Declarations as filed and a copy of the return postcard indicating receipt by the Patent Office are attached hereto as Exhibit "A".

On April 11, 2002, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) was mailed to the applicant. The notification informed the applicant that the Declaration of the inventors did not identify the citizenship of each inventor. A copy of the notification is attached hereto as Exhibit "B". On June 11, 2002, applicant filed a Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on this 12th day of August, 2002 with sufficient postage as first-class mail in an envelope addressed to Box PCT, Commissioner for Patents, Washington, D.C. 20231.

  
Brenda O. Holmes - Reg. No. 40,339

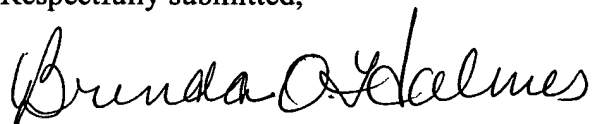
Application No. 10/031,126  
Response to Notification of Defective Response

Designated/Elected Office (DO/EO/US) attaching the Declaration for inventor Stephen Thomas Hardin which included his citizenship. The previously submitted Declarations for Charles M. Link II and Megan Kock Klenzak included their citizenship. A copy of the response and a copy of the return postcard indicating receipt by the Patent Office are attached hereto as Exhibit "C".

Applicant submits that complete Declarations have been filed on behalf of all the inventors for this application and that the response filed June 11, 2002 was not defective.

If there are any issues that can be addressed via a telephone conference, please contact the undersigned at 404.685.6799. A copy of the Notification of Defective Response is also enclosed.

Respectfully submitted,

A handwritten signature in cursive script, reading "Brenda O. Holmes".

Brenda O. Holmes  
Reg. No. 40,339

KILPATRICK STOCKTON LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530  
404.815.6500  
Attorney Docket No.: 36968/190182



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/031,126	Charles M Link II	36968/190182

30314  
 JOHN S. PRATT  
 KILPATRICK STOCKTON LLP (BELLSOUTH)  
 1100 PEACHTREE STREET  
 SUITE 2800  
 ATLANTA, GA 30309

INTERNATIONAL APPLICATION NO.	
PCT/US99/13459	
I.A. FILING DATE	PRIORITY DATE
06/15/1999	

CONFIRMATION NO. 2641  
 371 FORMALITIES LETTER  
  
 \*OC000000008450600\*

Date Mailed: 07/15/2002

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Assignee Statement
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - NO SIGNITURE FOR THIRD INVENTOR. MEGAN KOCH,KLENZAK

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

DOCKETED FOR 8/11/02  
 ENTERED COMPUTER ON 7/25/02 *NG* 190182  
 DATA BASE  
 81  
 LIA **UPDATED**

VONDA M WALLACE



Telephone: (703) 305-3736

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/031,126	PCT/US99/13459	36968/190182

FORM PCT/DO/EO/916 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Charles M. Link, II et al.**

Docket No. **36968/190182**

Serial No. **10/031,126**

Filed: **December 14, 2001**

For: **METHODS AND APPARATUS FOR OVER-THE-AIR PROGRAMMING OF A WIRELESS UNIT**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Attention: Box PCT (Missing Parts)  
Assistant Commissioner of Patents  
Washington, DC 20231

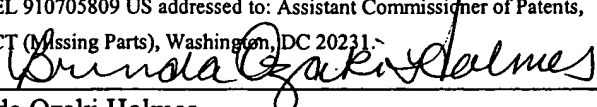
Sir:

Transmitted herewith are papers in the above-identified application.

- ☒ Formalities Letter – Notification of Missing Requirements.  
☒ Declaration and Power of Attorney.  
☐ No additional fee is required.

SMALL ENTITY					OTHER THAN SMALL ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE			\$370		\$740	
TOTAL CLAIMS	31 - 20 =	11	x9 =		x18 =	0
INDEP. CLAIMS	4 - 3 =	1	x42 =		x84 =	0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			+140 =		+280 =	
<input checked="" type="checkbox"/> LATE-FILING SURCHARGE			+65 =		+130 =	130
<input type="checkbox"/> FOREIGN LANGUAGE SURCHARGE			+130=		+130 =	
<input type="checkbox"/> OTHER					+435=	
			TOTAL \$ 0		TOTAL	\$130

- ☒ A check in the amount of **\$130.00** is attached.  
☒ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16, or credit any overpayment, to Account No. 11-0855. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service on June 11, 2002 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label EL 910705809 US addressed to: Assistant Commissioner of Patents, Box PCT (Missing Parts), Washington, DC 20231.  
  
Brenda Ozaki Holmes

KILPATRICK STOCKTON LLP  
1100 Peachtree Street, N.E.  
Suite 2800  
Atlanta, Georgia 30309-4530  
Telephone: 404/815-6500

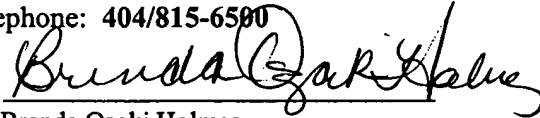
By:   
Brenda Ozaki Holmes  
Attorney for Applicant  
Reg. No.: 40,339

Exhibit C



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/031,126	Charles M Link II	36968/190182

30314  
 JOHN S. PRATT  
 KILPATRICK STOCKTON LLP (BELLSOUTH)  
 1100 PEACHTREE STREET  
 SUITE 2800  
 ATLANTA, GA 30309

INTERNATIONAL APPLICATION NO.	
PCT/US99/13459	
I.A. FILING DATE	PRIORITY DATE
06/15/1999	

CONFIRMATION NO. 2641  
 371 FORMALITIES LETTER



\*OC00000007838349\*

Date Mailed: 04/11/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Assignee Statement
- Copy of IPE Report
- Copy of references cited in ISR
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- Copy of the International Search Report
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  - does not identify the citizenship of each inventor.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (wh r 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

5/8/02  
 WA  
**DATABASE  
 UPDATED**

DOCKETED FOR 6/11/02  
 ENTERED COMPUTER ON 4/18/02 Site

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/031,126	PCT/US99/13459	36968/190182

FORM PCT/DO/EO/905 (371 Formalities Notice)



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/031,126	Charles M Link II	36968/190182

30314  
JOHN S. PRATT  
KILPATRICK STOCKTON LLP (BELLSOUTH)  
1100 PEACHTREE STREET  
SUITE 2800  
ATLANTA, GA 30309

INTERNATIONAL APPLICATION NO.	
PCT/US99/13459	
I.A. FILING DATE	PRIORITY DATE
06/15/1999	

CONFIRMATION NO. 2641  
371 FORMALITIES LETTER



\*OC00000007838349\*

Date Mailed: 04/11/2002

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DA Exhibit B

5/8/02  
WA  
UPDATED

DOCKETED FOR 6/11/02  
ENTERED COMPUTER ON 4/18/02 Site



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*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/031,126	PCT/US99/13459	36968/190182

FORM PCT/DO/EO/905 (371 Formalities Notice)

JUN. 10. 2002 2:47PM

TRICK STOCKTON

NO. 3967

P. 2

002

Attorney Docket No. 36968/190182

## DECLARATION FOR PATENT APPLICATION

☒ Original☐ Supplemental☐ Substitute☐ PCT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS AND APPARATUS FOR OVER-THE-AIR PROGRAMMING OF A WIRELESS UNIT

(Title of the Invention)

the specification of which (check one)

☐ Is attached hereto☒ was filed on June 13, 1999 as U. S. Application Serial Number or PCTInternational Application Number PCT/US99/13459

and was amended \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a) - (d) or § 363(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified, by checking the box below, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Application Number	Country	Foreign Filing Date (MM/DD/YYYY)	YES	NO	YES	NO

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below and claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(e) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

JUN 10 2002 2:48PM

KILPATRICK STOCKTON

3967

P.

Inventors: Charles M. Link, II, Stephen Thomas Hardin and Megan Koch Klenzak  
 For: Methods and Apparatus for Over-the-Air Programming of a Wireless Unit  
 Declaration for Patent Application

Page 2


As a named inventor, I hereby revoke all prior powers and appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

FIRM NAME: KILPATRICK STOCKTON LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530

Attorney and/or Agent	Registration No.
Charles Y. Lachey	22,767
John M. Harrington	25,592
J. Lu S. Pratt	29,476
A. Jose Cortina	29,733
James L. Ewing, IV	30,630
Charles W. Calhoun	31,814
George T. Marcon	33,014
Dean W. Russell	33,452
Richard A. Clegg	33,485
Richard T. Peterson	35,320
Charles T. Simmons	35,359
Nora M. Tocaps	35,717
Bruce D. Gray	35,799
Theodore R. Harper	35,890
Geoff L. Sutcliffe	36,348

Attorney and/or Agent	Registration No.
Pat Winston Kennedy	36,970
James E. Roland	37,432
Mitchell G. Stockwell	39,389
Michael J. Turton	40,852
Yoncha L. Kundupoglu	41,130
Benjamin D. Driscoll	41,571
Alecia G. Kriegerman	41,767
J. Steven Gardner	41,772
James J. Blundell	42,326
Edwin Thomas Washington	43,187
Corolla Camp Williams	43,532
Carl H. Massey	P 44,224
R. Whitney Winston	P 44,432
John William Hall, Jr.	P 44,433
Dawn-Marie Day	P 44,442
Tiep Nguyen	P 44,465

JUN 10 2002 2:46PM

KILPATRICK STOCKTON

0.3967

P. 4

0004

Inventors: Charles M. Link, II, Stephen Thomas Hardin and Megan Koch Klenzak  
For: Methods and Apparatus for Over-the-Air Programming of a Wireless Unit  
Declaration for Patent Application  
Page 3

I acknowledge the above-listed attorneys and agents and their firm Kilpatrick Stockton LLP represent my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity) and in such cases do not represent me individually. I further acknowledge I have not established, nor will I seek to establish, any personal attorney/client relationship with Kilpatrick Stockton LLP in connection with this application and understand that, should I require legal representation, I will obtain such, at my expense, other than through Kilpatrick Stockton LLP.

Send Correspondence to: John S. Patis, Esq.  
Kilpatrick Stockton LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530

Direct telephone calls to: Nora M. Tocups (404) 815-6213

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Charles M. Link, II

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 465 Abbeywood Drive, Roswell, Georgia 30075

Citizenship USA

Post Office Address \_\_\_\_\_

Full name of second inventor Stephen Thomas Hardin

Inventor's signature *Stephen Thomas Hardin* Date August 9, 1999

Residence 3150 Ashly Brooke Drive, Snellville, Georgia 30078

Citizenship USA

Post Office Address \_\_\_\_\_

Full name of third inventor Megan Koch Klenzak

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 2103 Oakwuna Road, Atlanta, Georgia 30343

Citizenship USA

Post Office Address \_\_\_\_\_